

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 1 2004

UNITED STATES PATENT & TRADEMARK OFFICE
CENTER 1600/2900

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

Group Art Unit: 1617

Filed: March 20, 2000

Examiner: L. WELLS

For: INJECTABLE AND SWELLABLE
MICROSPHERES FOR TISSUE BULKING

Attorney Docket No.: 9676-292

REQUEST FOR CORRECTION OF INVENTORSHIP

Commissioner for Patents
PO BOX 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request that the inventive entity of the present application be amended to add Richard THOMAS as an inventor.

The inventive entity of the present application was set forth in error in the "DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION," executed on November 7 & 22, 2000 and filed on November 28, 2000. The error arose without any deceptive intention either on the part of the named inventors therein or on the part of Mr. Richard Thomas.

Pursuant to 37 C.F.R. § 1.48(a), Applicants submit herein the following documents:

- (1) A statement by Mr. Thomas;
- (2) A declaration by the actual inventors;
- (3) A written consent by assignee BioSphere Medical, Inc..

A fee of \$130.00 is believed due for this submission, pursuant to 37 C.F.R.

§§ 1.48(a)(4) & 1.17(i). Please charge the required fee to Pennie & Edmonds LLP's Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date August 11, 2003

Beibing Gary Zhang 47,331
(Reg. No.)

For: Anthony M. Insogna (Reg. No. 35,203)

PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, D.C. 20006
(202) 496-4400

Enclosure



JUN 1 2004

TECH. CENTER 10062400

Hand Carried - 8/11/03

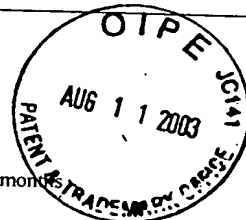
Serial No. 09/528,989

Inventor J. VOGEL et al.

Filed 3/20/00

For INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING

- | | |
|--|---|
| <ul style="list-style-type: none"><input type="checkbox"/> Affidavit/Declaration<input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Response<input type="checkbox"/> Application pages<input type="checkbox"/> Claims Drawing Sheets<input type="checkbox"/> Assignment <input type="checkbox"/> Cover Sheet<input type="checkbox"/> Brief (in triplicate)<input type="checkbox"/> Declaration & Power of Attorney<ul style="list-style-type: none"><input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/> Copy<input checked="" type="checkbox"/> Declaration of Inventors<ul style="list-style-type: none"><input checked="" type="checkbox"/> Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/> Copy<input type="checkbox"/> Design Application<input type="checkbox"/> Disclaimer <input type="checkbox"/> Disclaimer Fee<input type="checkbox"/> Disclosure Statement <input type="checkbox"/> Form PTO-1449<ul style="list-style-type: none"><input type="checkbox"/> w/refs. <input type="checkbox"/> w/o refs.<input type="checkbox"/> Drawings, Formal Sheets Figures | <ul style="list-style-type: none"><input type="checkbox"/> Fee Address Indication Form<input type="checkbox"/> Fee Calculation<input type="checkbox"/> Issue Fee Transmittal<input type="checkbox"/> Notice of Appeal<input type="checkbox"/> Oral Hearing Request/Confirm<input checked="" type="checkbox"/> Petition to Extend Time 3 months<input type="checkbox"/> Petition Under 37 C.F.R.<input type="checkbox"/> Power of Attorney<ul style="list-style-type: none"><input type="checkbox"/> By Assignee <input type="checkbox"/> Associate <input type="checkbox"/> w/Revocation<input type="checkbox"/> Request for Correction of Filing Receipt<input type="checkbox"/> Sequence Listing w/ Computer Readable and Paper Copy<input type="checkbox"/> Small Entity Statement<input type="checkbox"/> Status Letter<input type="checkbox"/> Transmittal Letter<input checked="" type="checkbox"/> Fee By Deposit Account 16-1150 |
|--|---|



Other: Request for Correction of Inventorship; Petition and Statement In Support of Correction of Inventorship; Consent By Assignee to Correction of Inventorship; Exhibit A;

File no.: 9676-292

Sender: AMI/BGZ/zmb



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 1 2004
TECH CENTER 1002900

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

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Filed: March 20, 2000

Examiner: L. WELLS

For: INJECTABLE AND SWELLABLE
MICROSPHERES FOR TISSUE BULKING

Attorney Docket No.: 9676-292

CONSENT BY ASSIGNEE TO CORRECTION OF INVENTORSHIP

COMMISSIONER FOR PATENTS
PO BOX 1450
Alexandria, Virginia 22313-1450

Sir:

BioSphere Medical, Inc., a Delaware Corporation having an address at 1050 Hingham Street, Rockland, MA 02370, and owner of the entire right, title and interest in, to and under the invention and U.S. patent application serial no. 09/528,989, filed March 20, 2000 and identified by Pennie & Edmonds LLP docket no. 9676-292, entitled "INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING," hereby consents to amendment of said application to add the following actual inventor: Richard Thomas.

BioSphere Medical, Inc. certifies that it is the assignee of the entire right, title and interest in, to and under U.S. patent application Serial No. 09/528,989, pursuant to an assignment executed by Jean-Marie VOGEL and Egisto BOSCHETTI, the presently named inventors of the application, which was recorded on December 6, 2000 at Reel 011335, Frame 0117, in the Assignment Division of the U.S. Patent and Trademark Office. A copy of that Assignment, together with the Notice of Recordation of Assignment Document issued by the Office, is attached hereto as Exhibit A.

The undersigned has reviewed all of the documents in the chain of title of Application Serial No. 09/528,989 and believes, to the best of undersigned's knowledge, that the title is in BioSphere Medical, Inc. The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

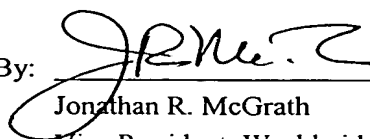
The undersigned further states that he has authority to act on behalf of BioSphere Medical, Inc.

BioSphere Medical, Inc.

Date

Aug 7, 2003

By:



Jonathan R. McGrath

Vice President, Worldwide Research & Development

Exhibit A



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FEBRUARY 26, 2001

PENNIE & EDMONDS LLP
BEIBING ZHANG
1667 K STREET, N.W.
WASHINGTON, D.C. 20006

PTAS

JUN 1 2004

TECHCERT



101553979A



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/06/2000

REEL/FRAME: 011335/0117
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VOGEL, JEAN-MARIE

DOC DATE: 11/22/2000

ASSIGNOR:

BOSCHETTI, EGISTO

DOC DATE: 11/07/2000

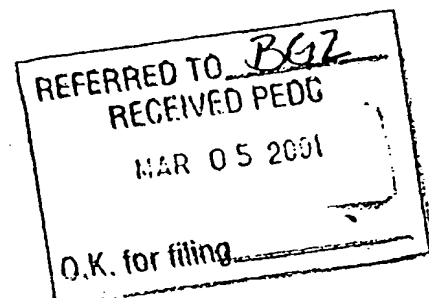
ASSIGNEE:

BIOSPHERE MEDICAL, INC.
1050 HINGHAM STREET
ROCKLAND, MASSACHUSETTS 02370

SERIAL NUMBER: 09523989
PATENT NUMBER:

FILING DATE: 03/20/2000
ISSUE DATE:

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



12-18-2000

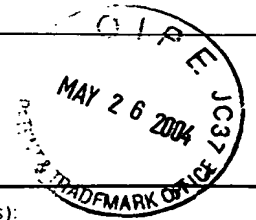


101553979

 JUN 1 2000 12.6.00
 TECH CENTER 1600 BSW
 Attorney Docket Number 9676-292

 TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
 Box Assignment
 Washington, DC 20231

Please record the attached original documents or copy thereof.



1. Name of conveying party(ies):

Jean-Marie VOGEL and Egisto BOSCHETTI

Additional name(s) of conveying party(ies) attached?

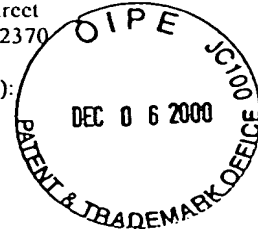
☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: BioSphere Medical, Inc.

Address: 1050 Hingham Street
Rockland, MA 02370

Country (if other than USA):



3. Nature of conveyance:

- ☒ Assignment ☐ Merger
- ☐ Security Agreement ☐ Change of Name
- ☐ Other _____

Execution Date: November 22, 2000 and November 7, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) 09/528,989

B. Patent No.(s) _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

 PENNIE & EDMONDS LLP
 1667 K Street, N.W.
 Washington, D.C. 20006
6. Number of applications and patents involved: 1
 7. Total fee (37 CFR 3.41):.....\$ 40.00
 Please charge to the deposit account listed in Section 8.

 8. Deposit account number:
16-1150

12/18/00 BSW:1 00000095 161150 09528989

12/18/00 40.00 IN

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Beibing Zhang

P-47,331

For: Anthony M. Insogna

35,203

Name of Person Signing Reg. No.

Signature

Dec. 6, 2000

Date

Total number of pages including cover sheet:

5

 Mail documents to be recorded with required cover sheet information to:
 Commissioner of Patents & Trademarks, Box Assignment
 Washington, D.C. 20231

ASSIGNMENT

WHEREAS, WE, Jean-Marie VOGEL and Egisto BOSCHETTI, ASSIGNORS, citizens of France, residing at 64 Cobleigh Road, Boxborough, MA 01719 and 9 Allee Duc Bois, Gougnot, France 78290, respectively, are the inventors of the invention in INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING for which we have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ _____

☒ which is identified by Pennie & Edmonds LLP docket no. 9676-292
☒ which was filed on March 20, 2000, Application No. 09/528,989

and WHEREAS, BioSphere Medical, Inc., ASSIGNEE, a corporation organized under the laws of Delaware and having a place of business at 1050 Hingham Street, Rockland, MA 02370, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in exchange for good and valuable consideration to us, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

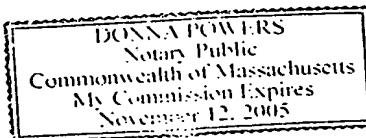
Date Nov. 22, 2000 Jean-Marie VOGEL L.S.

State of MA)
 County of Plymouth) SS.:

In the State of MA, county of Plymouth, on Nov. 22, 2000, before me, Donna Powers, Notary Public, personally appeared Jean-Marie VOGEL, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Donna Powers



Witness (printed name)

Witness (signature)

Date

Date _____, 2000 _____ L.S.
Egisto BOSCHETTI

State of _____)
County of _____) SS.:

In the State of _____, county of _____, on _____, before me, _____, Notary Public, personally appeared Egisto BOSCHETTI, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Witness (printed name)

Witness (signature)

Date

ASSIGNMENT

WHEREAS, WE, Jean-Marie VOGEL and Egisto BOSCHETTI, ASSIGNORS, citizens of France, residing at 64 Cobleigh Road, Boxborough, MA 01719 and 9 Allee Duc Bois, Gougenot, France 78290, respectively, are the inventors of the invention in INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING for which we have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ _____

☒ which is identified by Pennie & Edmonds LL, docket no. 9676-292

☒ which was filed on March 20, 2000, Application No. 09/528,989

and WHEREAS, BioSphere Medical, Inc., ASSIGNEE, a corporation organized under the laws of Delaware and having a place of business at 1050 Hingham Street, Rockland, MA 02370, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in exchange for good and valuable consideration to us, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof:

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date _____, 2000 _____ L.S.
Jean-Marie VOGEL

State of _____ }
County of _____ } SS.:

In the State of _____, county of _____, on _____, before me, _____, Notary Public, personally appeared Jean-Marie VOGEL, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Witness (printed name)

Witness (signature)

Date

Date Nov 7, 2000 2000



Egisto BOSCHETTI

L.S.

State of

County of

} SS.:

In the State of _____, county of _____, on _____, before me, _____, Notary Public, personally appeared Egisto BOSCHETTI, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

LJUGENOV Danielle

Witness (printed name)



Witness (signature)

Nov 7, 2000

Date